

REMARKS

Claims 1-20 are currently pending. Reconsideration and allowance of the pending claims are respectfully requested in light of the foregoing amendments and following remarks.

Objections to Claims

Claims 8-14 stand objected to because of certain informalities. In response, Applicants have amended the claims to clarify that the “computer-readable medium” recited therein is “non-transitory.” Accordingly, Applicants respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. §103

Claims 1-3, 5, 8-10, 12, and 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0027569 to Ejzak (hereinafter “Ejzak”) in view of U.S. Patent No. 6,738,615 to Chow et al. (hereinafter “Chow”), further in view of U.S. Patent Application Publication No. 2005/0078812 to Batni et al. (hereinafter “Batni”), and further in view of U.S. Patent Application Publication No. 2003/0041242 to Patel (hereinafter “Patel”). Claims 4, 6, 7, 11, 13, 14, 19, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ejzak in view of Chow further in view of Batni further in view of Patel, and further in view of U.S. Patent Application Publication No. 2002/0167946 to Gallant (hereinafter “Gallant”).

In response, Applicants respectfully traverse the rejection of the pending claims on the grounds that the cited combination of references is defective in establishing a prima facie case of obviousness with respect to the claims. In particular, independent claim 1 recites *inter alia*:

[(A)] receiving . . . a first message that requests the home mobile station domain to provide a call progress signal to the calling party prior to the serving mobile station paging the terminal device; and

[(B)] providing by the home mobile station domain in response to the first message from the serving mobile station domain, a first call progress signal to the calling party prior to establishment of a bearer path between the serving mobile station domain and a telephone network of the calling party.

(emphasis added).

With regard to element (A), the Examiner concedes in the second paragraph of page 5 of the final Office action that Ejzak does not teach “receiving . . . a first message that request the home mobile station to provide a call progress signal to the calling party prior to establishment of a bearer path” and cites Chow as doing so. Even assuming *arguendo* that the Examiner’s characterization of Chow is accurate, Chow

does not disclose providing a call progress signal to the calling party prior to the serving mobile station paging the terminal device, as now recited in claim 1. In particular, as clearly illustrated in Fig. 33 of Chow, a page request 3305 is sent to and a page response 3313 is received from the MS 101 before the ringback tone 3331 identified by the Examiner as reading on the call progress signal recited in claim 1 is provided. Accordingly, the combination fails to teach, suggest, or render obvious element (A) of claim 1.

With regard to element (B), the Examiner similarly concedes in the second paragraph of page 5 of the final Office action that Ejzak fails to teach “providing, by the home mobile station domain, a first call progress signal to the calling party” and cites Batni as doing so. Even assuming *arguendo* that the Examiner’s characterization of Batni is accurate, Batni fails to disclose providing by the home mobile station domain a first call progress signal “in response to the first message from the serving mobile station domain,” as now recited in claim 1. In particular, in Batni, the signal identified by the Examiner as reading on the first call progress signal is provided by the IP 124 in response to a message received from the SCP 122. Just as there is no support in Batni for the position that the IP 124 forms a part of the “home mobile station domain,” as recited in claim 1, there is no support in Batni for the position that the SCP 122 forms a part of the “serving mobile station domain,” as recited in claim 1. On the contrary, there is copious support for the view that both the IP and SCP are independent of either/both the home mobile station domain and the serving mobile station domain throughout Batni, but in particular in paragraph [0004], which details the deficiencies of implementing the functionality provided by those two elements in an MSC and/or an HLR.

Patel, which is cited by the Examiner as teaching that the message received by the home mobile station domain originates from the serving mobile station domain, fails to remedy the deficiencies of the cited combination in this regard.

In view of the foregoing, it is apparent that the subject rejection of claim 1 is not supported by the cited combination and should be withdrawn. Independent claims 8 and 15 include limitations similar to those of claim 1 and are therefore also deemed to be in condition for allowance for the reasons set forth above. Claims 2-7, 9-14, and 16-20 depend from and further limit independent claims 1, 8, and 15, and are therefore also allowable for at least that reason.

Thus, for at least this additional reason, the Examiner’s burden of factually supporting a *prima facie* case of obviousness with respect to claims 1-20 has clearly not been met, and the rejection thereof under 35 U.S.C. §103 should be withdrawn.

Conclusion

It is clear from the foregoing that all of the pending claims are in condition for allowance and prompt notification to that effect is respectfully requested.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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Dated: 5/25/11

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via EFS-Web to the United States Patent and Trademark Office, on the date indicated below.

Date: May 25, 2011



Ellen Lovelace